

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MERITAGE HOMEOWNERS'
ASSOCIATION, an Oregon domestic
nonprofit corporation,

Case No. 6:15-cv-01628-TC

ORDER

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC, a
Delaware limited liability company, and
FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a federally chartered
private corporation,

Defendants.

OCWEN LOAN SERVICING, LLC,
and FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Third-party plaintiffs,

v.

MERITAGE HOMEOWNERS'
ASSOCIATION; BIG FISH PARTNERS I,
and KURT FREITAG, an individual,

Counter Defendants and
Third-party Defendants.

AIKEN, Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on May 5, 2016. Magistrate Judge Coffin recommends that plaintiff's motion for partial summary judgment should be granted to the extent defendant Federal National Mortgage Association (Fannie Mae) is declared to be the owner of the relevant housing unit as of November 17, 2014 and denied as to the amount of dues, assessments, and penalties owed to plaintiff. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Defendants do not object to the Findings and Recommendation but request that the court adopt it without prejudice in the event they successfully appeal a Bankruptcy Court Order confirming a plan that vested ownership of the housing unit in Fannie Mae. Should defendants prevail on appeal, they may seek to alter or amend judgment to the extent allowed through the relevant procedural rules. I therefore find no reason to limit the adoption of Magistrate Judge Coffin's recommendation as to ownership of the unit.

Plaintiff objects to the Finding and Recommendation on grounds that the court should find that defendants owe \$56,006.58 in dues and enter summary judgment accordingly. Upon review of Magistrate Coffin's ruling on this issue, I agree that questions of fact preclude summary judgment, and I find no error.

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Accordingly, it is hereby ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 52) filed May 5, 2016, is ADOPTED. Plaintiff's Motion for Partial Summary Judgment (doc. 23) is GRANTED to the extent Fannie Mae is declared to be the owner of the unit as of November 17, 2014 and is denied in all other respects.

Dated this 9 day of September, 2016.

A handwritten signature in black ink, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge